

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY \_\_\_\_\_, APRIL 12 \_\_\_\_\_, 1977

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday \_\_\_\_\_ evening April 12 \_\_\_\_\_ A.D., 1977, in \_\_\_\_\_ Regular \_\_\_\_\_ Session. President John Nuckols \_\_\_\_\_ in the chair, and Charles W. Westerman Clerk, at the desk, present the following members \_\_\_\_\_ viz:

BURNS \_\_\_\_\_, HINGA \_\_\_\_\_, HUNTER \_\_\_\_\_,  
MOSES \_\_\_\_\_, NUCKOLS \_\_\_\_\_, DONALD SCHMIDT \_\_\_\_\_,  
VIVIAN SCHMIDT \_\_\_\_\_, STIER \_\_\_\_\_, TALARICO \_\_\_\_\_,  
ABSENT \_\_\_\_\_  
COUNCILMAN \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

The invocation was given by Reverend Ken Williams Assistant  
Trinity Episcopal Church

Received report from the City Controller for the month of \_\_\_\_\_,  
1977. Motion made and carried that report be made a matter of record and placed  
on file.

The minutes of the last Regular March 8 & 22 \_\_\_\_\_, 1977,  
Special \_\_\_\_\_, 1977,

Session having been delivered to the Council, were, on motion, approved and  
published.



FORT WAYNE, INDIANA 46802

office of the mayor

MADE A MATTER OF RECORD  
DATE 4-12-77 CHARLES W. WESTERMAN, CITY

March 24, 1977

To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, March 24, 1977, I have approved the following ordinances passed by  
Common Council at its regular meeting on March 22, 1977.

(Bill No. A-77-03-07)  
APPROPRIATION ORDINANCE NO. A-06-77

AN ORDINANCE APPROPRIATING CERTAIN MONIES FROM THE COMMUNITY DEVELOP-  
MENT BLOCK GRANT TO VARIOUS ACCOUNTS

(Bill No. S-77-03-01)  
SPECIAL ORDINANCE NO. S-67-77

AN ORDINANCE approving a contract with Motorola Communications & Electronics,  
Inc. for materials for Fort Wayne Police Department

(Bill No. S-77-03-02)  
SPECIAL ORDINANCE NO. S-68-77

AN ORDINANCE approving a contract with Baltimore Paint and Chemical Corporation  
for materials for the Traffic Engineering Department

(Bill No. S-77-03-04)  
SPECIAL ORDINANCE NO. S-69-77

AN ORDINANCE approving a contract with Hall Signs, Inc. for materials for the  
Traffic Engineering Department

(Bill No. R-77-03-27)  
RESOLUTION NO. R-16-77

A RESOLUTION transferring certain funds in the 1977 Budget of the Street Engineering  
Department



(Bill No. R-77-03-28)  
RESOLUTION NO. R-17-77

A RESOLUTION authorizing payment to Jim Kelley Buick for repair of Board of Public Vehicle

(Bill No. R-77-03-29)  
RESOLUTION NO. R-18-77

A RESOLUTION authorizing payment to Allen County Motors for repair of Board of Public Safety Vehicles

( Bill No. Z-76-12-11)  
ZONING MAP ORDINANCE NO. Z-05-77

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. B-17

(Bill No. G-77-02-28)  
(as amended)  
GENERAL ORDINANCE NO. G-09-77

AN ORDINANCE amending certain Sections of Article II of Chapter 6 of the Code of the City of Fort Wayne, Indiana

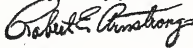
(Bill No. S-77-03-19)  
SPECIAL ORDINANCE NO. S-70-77

AN ORDINANCE approving Change Order No. 6 in connection with Div. III - Sludge Lagoons

(Bill No. S-77-03-20)  
SPECIAL ORDINANCE NO. S-71-77

AN ORDINANCE approving a contract with Earth Construction & Engineering Inc., for Repair of Sanitary Sewer

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Robert E. Armstrong".

Robert E. Armstrong  
Mayor



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

March 29, 1977

### COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City  
of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on the following described easement vacation:

The west 7 feet of the east 14 feet except for the south 14 feet of the east easement at the rear of Lot # 8 in Production Park. Located in the S.E. 1/4, Section 22, T 31 N, R 12 E, Washington Township, Allen County Indiana.

The proposed ordinance is designated as:

Bill No. G-77-02-30

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
29th day of March, 1977.

  
\_\_\_\_\_  
Joseph N. Adair  
Secretary

MADE A MATTER OF RECORD  
DATE 4-12-77 CHARLES W. WESTERMAN, CITY CLERK





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 26, 1977

TO THE MEMBERS OF THE COMMON COUNCIL:

RE: Resolution R21-77

I am enclosing a copy of the Indiana Code setting forth the duties and responsibilities of the Executive Branch regarding the administration of City Government, for your information.

I am constantly evaluating the efficiency and effectiveness of the organization of City Government. It is my desire to have the various functions performed in the department in which they can be most effective, and I am sure all of you agree with this effort.

Sincerely,

  
Robert E. Armstrong  
Mayor

REA:ip  
Enclosure

MADE A MATTER OF RECORD  
DATE 4-26-77 CHARLES W. WESTERMAN, CITY CLERK



SECTION.	
18-1-6-4.	Departments — Creation, powers and duties.
18-1-6-5.	Appointees — Qualifications — Fees.
18-1-6-6.	Expenditures — Estimates — Reports — Budgets — Tax ordinance — Appropriations, increase or decrease.
18-1-6-7.	Unexpended appropriation balances — Reversion — Exceptions.
18-1-6-8.	Contracts and agreements — Appropriations necessary — When void.
18-1-6-9.	Obligations in excess of appropriation — Penalty.
18-1-6-10.	Department of finance — City controller — Appointment — Seal.
18-1-6-11.	Powers and duties of controller.

## SECTION.

18-1-6-12.	Deputy controller—Appointment — Administering of oaths.
18-1-6-13.	Department of law — City attorney — Appointment and bond — Powers and duties — Assistants — Judgments against city, how enforced.
18-1-6-14.	Department of public works — Members of board — Appointment and bond.
18-1-6-15.	Powers and duties enumerated.
18-1-6-16.	Streets, alleys, public grounds — Supervision.
18-1-6-17.	Optional method of improvement — Abutting property owners assessed — Hearing — Revolving fund created — Use.
18-1-6-18.	Contracts — Notice — Bids — Forfeiture.
18-1-6-19.	Expenses — How paid.

## 18-1-6-1 [48-1501]. [Repealed.]

Compiler's Note. This section (Acts 1905, ch. 129, § 79, p. 219, concerning executive authority of cities, was re-

pealed by Acts 1971, P. L. 250, § 1 (IC 1971, 18-1-5-30). For present law see 18-1-5-27.

## 18-1-6-2 [48-1502]. Mayor—Powers and duties.—It shall be the duty of the mayor:

First. To cause the ordinances of the city and the laws of the state to be executed and enforced.

Second. To communicate to the council at least once a year a statement of the finances and general conditions of the city, and also such information in relation to city affairs as he may be called upon to furnish from time to time.

Third. To make such recommendations in writing, by message to the council, as he may deem expedient.

Fourth. To call special meetings of the council when the same shall be expedient.

Fifth. To perform such duties of an executive or administrative character as may be prescribed by law; and to exercise general supervision over subordinate officers and be responsible for the good order and efficient government of the city.

Sixth. To fill by appointment vacancies for unexpired terms in the offices of such city, except in case of vacancy in the office of mayor or councilman, as in this act [18-1-1-1—18-1-24-1] hereinbefore provided.

Seventh. To appoint the heads of departments, as hereinafter created, in cities of the first, second, third and fourth classes, and to appoint, in cities of the fifth class, a city marshal, chief of the fire force and street commissioner, all of which appointees shall hold office until their successors are appointed and qualified; and he shall make such other appointments as may be provided by law or by the ordinances of any city: Provided, That the mayor may, at any time, suspend or remove from office any or all of such heads of departments or other persons, whether appointed by him or by any of his predecessors, by

notifying them stating in writing.

Eighth. To station, and all license shall, upon reason complained of, be taken off. If the license has been tendance of wit to such witness procedure in for plicable, including attendance of witness to such proceeding found that the terms or conditions permitted to be of such city revenue mayor shall revoke findings and det of the fifth class cities of the first revoke licenses city department instance shall be such revocations mayor.

Ninth. To after receiving council, and he sage, announcing in writing his become operative thirds [¾] vote appropriating m or disapprove th of disapproval o the ordinance, s operative, and t and operative u before provided.

Tenth. To ca this act, except tion and advice to call on the h their duty to s and rules and r tion of the affa or ordinance; a ings which shal taining the con promotion, and be best fitted.

Eleventh. To tent persons to officer or emplo



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 26, 1977

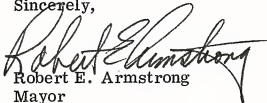
TO THE MEMBERS OF THE COMMON COUNCIL:

RE: Resolution R20-77

I am pleased that you are interested in the CETA program. I am enclosing a copy of the Consortium Agreement for your information. You will observe that Section 12c requires consent of the signators for hiring. Sections 12d, 12f, and 12k are the authority for dismissing and reorganizing the staff.

It is hoped that this information will be helpful to you.

Sincerely,

  
Robert E. Armstrong  
Mayor

REA:ip  
Enclosure

MADE A MATTER OF RECORD  
DATE 4-26-77 CHARLES W. WESTERMAN, CITY CLERK



1 REVISED CONSORTIUM AGREEMENT  
2 FOR FISCAL YEARS 1974, 1975, 1976, and 1977 and 1978  
3 PLANNING AND OPERATIONS  
4

5 City of Fort Wayne, City-County Building, Fort Wayne, Indiana  
6 Adams County, Court House, Decatur, Indiana  
7 Allen County, City-County Building, Fort Wayne, Indiana  
8 DeKalb County, Court House, Auburn, Indiana  
9 LaGrange County, Court House, LaGrange, Indiana  
10 Noble County, Court House, Albion, Indiana  
11 Whitley County, Court House, Columbia City, Indiana

12 -----  
13 This agreement is entered into between the City of  
14 Fort Wayne by its Chief Elected Official and the Chief Elected  
15 and/or Chief Executive Officials of the following general  
16 local government units: Adams County, Balance of Allen County,  
17 DeKalb County, LaGrange County, Noble County, and Whitley  
18 County, and those other units of local government whose  
19 signatures appear as a portion of this agreement or any  
20 amendment thereto, for the express purpose of conducting  
21 Manpower Programs under the provision of the Comprehensive  
22 Employment and Training Act of 1973, Public Law 93-203, its  
23 amendments, and any regulations issued thereunder.

24 WHEREAS, it is to the mutual benefit of the communities  
25 of Northeastern Indiana labor market area and their residents  
26 that such communities work together to combat the evils of  
27 unemployment and underemployment; to facilitate the exchange of  
28 information concerning job openings; to develop means of training  
29 individuals, especially economically disadvantaged, to perform  
30 in jobs best suited to their individual qualifications; and  
31 otherwise to provide a climate of employment opportunities which  
32 will permit the utilization of maximum individual potential  
33 while furthering the welfare of the communities involved; and  
34  
35



1 WHEREAS the Fort Wayne Area Consortium is presently  
2 delivering Manpower services under Department of Labor Manpower  
3 Administration grants, under Title I, Title II, Title III and  
4 Title VI of the Comprehensive Employment and Training Act, and;

5 WHEREAS, in the above grants the City of Fort Wayne,  
6 as administrative arm of the Consortium, has demonstrated its  
7 ability to plan programs, deliver services and monitor, evaluate,  
8 and take corrective action relating to its operations; and

9 WHEREAS, it is to the mutual benefit of the communi-  
10 ties of Northeastern Indiana labor market area and their resi-  
11 dents that such communities work together to combat the evils  
12 of unemployment and underemployment, to facilitate the exchange  
13 of information concerning job openings; to develop means of  
14 traning individuals, especially economically disadvantaged to  
15 perform in jobs best suited to their individual qualifications;  
16 and otherwise to provide a climate of employment opportunities  
17 which will permit the utilization of maximum individual poten-  
18 tial while furthering the welfare of the communities involved.

19 It is likewise to the mutual benefit of the same  
20 communities that there be one administrative unit and delivery  
21 agent for programs funded under the Comprehensive Employment  
22 , except for certain programs which may be funded under Title III of <sup>and</sup> ~~the~~ Act,  
23 and Training Act of 1973 and its amendments<sup>to</sup> to avoid duplica-  
24 tion of management and service activities; to facilitate the  
25 exchange of information and referrals with other Federal and  
26 non-Federal programs in the area that directly or indirectly  
27 provide manpower services; and to provide a Clearinghouse to  
28 the agencies that sponsor manpower related programs so dupli-  
29 cation of services will be minimized;

30 NOW, THEREFORE, THE SIGNATORIES TO THIS DOCUMENT AGREE:

31 1) That the Consortium will be the Prime Sponsor of  
32 Manpower and related programs developed under the Comprehensive  
33  
34  
35

1 Employment and Training Act of 1973, and its amendments;

2 2) That the City of Fort Wayne, by its chief elected  
3 official, will represent the interest of the Consortium of the  
4 general local governments set forth above in the development of  
5 Manpower and other related programs developed under the Compre-  
6 hensive Employment and Training Act of 1973, and its amendments;

7 3) That the Geographical area represented by the  
8 Consortium of general local governments to be served is des-  
9 cribed as follows: The City of Fort Wayne, Adams County, Allen  
10 County (excluding the City of Fort Wayne), DeKalb County,  
11 LaGrange County, Noble County, and Whitley County.

12 4) That this Geographical Area contains a total pop-  
13 ulation of 429,200. The population in each unit of local govern-  
14 ment is as follows: The City of Fort Wayne - 181,600; Adams  
15 County - 27,600; Allen County (excluding the City of Fort Wayne)  
16 - 110,700; DeKalb County - 31,400; LaGrange County - 21,900;  
17 Noble County - 32,000; and Whitley County - 24,000.

18 5) That the Grant Agreements with the Department of  
19 Labor shall be signed by the Chief Elected Official(s) and/or  
20 Chief Executive Officials of each party to this agreement;

21 6) That the Mayor of the City of Fort Wayne has the  
22 legal authority to enter into this agreement under  
23 I.C. 18-1-1.5-2(e) and (o), Corporate and Procedural Powers.  
24 This Statute provides that the city has the power to:

25 "(e) Enter into contracts with persons, corpora-  
26 tions or other governmental entities;"

27 "(o) Enter into contracts and execute documents  
28 necessary to receive money, property, services or other advan-  
29 tages from the state government, federal government or from any  
30 other source;"

31 7) That the Commissioners of Adams, Allen, DeKalb,  
32  
33  
34  
35

1 LaGrange, Noble and Whitley Counties have the legal authority  
2 to enter into this agreement under I.C. 18-5-1.5-3, Interlocal  
3 Co-operation Act, which governs joint powers of the counties.  
4 Part (b) states that:

5 "Any two (2) or more local governmental unit  
6 may enter into written contractual agreements  
7 with one another for joint or co-operative  
8 action to provide services and facilities  
9 pursuant to the provisions of this chapter."

10  
11 8) That the signatory unit is not prevented by State  
12 or Local law from participating in this Consortium Agreement for  
13 the purpose of carrying out the provisions of the Comprehensive  
14 Employment and Training Act of 1973, and its amendments;

15 9) That each signator of the Consortium shall be  
16 responsible for the success of the program operation in its  
17 geographical area, but that the City of Fort Wayne as the admin-  
18 istrative Arm of the Consortium shall be accountable for the use  
19 of Comprehensive Employment and Training Act Funds and program  
20 administration;

21  
22 10) <sup>That</sup> The powers, functions and responsibilities assigned  
23 by the parties to the Agreement to carry out the provisions of  
24 the Comprehensive Employment Training Act of 1973, and the reg-  
25 ulations are as follows:

- 26  
27 a) to name the Consortium and its committees;  
28 b) to assist in the organization and membership  
29 of the Advisory Council to the Consortium  
30 which the following structure shall serve as  
31 a model:

- 32 (1) The Advisory Council shall consist of an  
33 Area Committee of an equal number of  
34 members from each jurisdiction that is a  
35

1 signatory to this agreement and the  
2 members must also serve on the sub-  
3 committee from their respective juris-  
4 diction;

- 5 (2) The sub-committee for each jurisdiction  
6 shall have at least eight (8) members and  
7 not more than twenty-one (21) members.

8 In compliance with the CETA legislative  
9 requirements, to the extent that it is  
10 practical, members appointed to these  
11 sub-committees shall include women and  
12 minorities and be representative of the  
13 client community and community-based or-  
14 ganizations, the Indiana State Employment  
15 Service, education and training agencies  
16 and institutions, business, labor, and,  
17 where appropriate, agriculture.

- 18 (3) The Area Advisory Council shall be re-  
19 flective of the CETA required represen-  
20 tation and the following selection method  
21 will prevail: At least two of the three  
22 members from each member jurisdiction will  
23 be appointed by the Chief Executive  
24 Official(s) from their respective juris-  
25 diction. These two appointments must not  
26 be of the same segment of the community.  
27 The third member from each member juris-  
28 diction will be nominated by the Consor-  
29 tium Executive Director if necessary to  
30 bring the council into compliance with  
31 CETA Legislation. The third member from  
32  
33  
34  
35

1 each member jurisdiction will be formally  
2 appointed by the Chief Executive Official(s)  
3 from their respective jurisdiction.

4 (4) Members of each sub-committee and/or  
5 Advisory Council will serve for a calendar  
6 year and/or until new or re-appointed  
7 committee members are selected. One more  
8 than half of total membership of each com-  
9 mittee must be automatically re-appointed  
10 to insure the respective committee will  
11 have continuity and experience.

12 (5) The Advisory Council shall appoint the  
13 Chairman and a Vice-Chairman of the Area  
14 Committee. The Chief Executive Official(s)  
15 of each member jurisdiction shall appoint  
16 the Chairman of his respective sub-  
17 committee.

18 (6) The Area Committee shall accept the recom-  
19 mendations and assessments of the sub-  
20 committees from each jurisdiction con-  
21 cerning their respective needs and pro-  
22 gram priorities. The Area Committee shall  
23 then prepare, with the assistance of the  
24 planning staff, recommendations regarding  
25 program plans and basic goals, policies,  
26 and procedures. They shall monitor and  
27 provide for objective evaluations of  
28 employment and training programs conducted  
29 in the Consortium area and provide for con-  
30 tinuing analysis of needs for employment  
31 traning and related services in the area.  
32  
33  
34  
35

Any final Decision with respect to such recommendations shall be made by the Chief Executive Official(s) for his respective jurisdiction.

11) IT IS FURTHER AGREED that the procedures set forth in this agreement and any amendments thereto for participation of Chief Elected and/or Executive Officials will be followed in the organization and development of Comprehensive Employment and Training Act Programs and that those parties to this agreement will be bound by and adhere to the procedures set forth in this agreement.

12) The City of Fort Wayne will be the Administrative Arm of Consortium. The powers, functions, and responsibilities delegated to it by the Consortium members are limited to the following:

- a) Enter into contracts and sub-grants and other necessary agreements;
- b) Receive and expend funds;
- c) Hire an Executive Director and one or more Associate Directors with the consent of signatories to the Consortium Agreement;
- d) Employ personnel that will include a planning staff and program operations staff, where necessary;
- e) Hold annual meeting with signatories to Consortium Agreement to review staff performance;
- f) Organize and train staff;
- g) Develop procedures for program planning;
- h) Conduct the operation and assessment and fiscal management of the program;
- i) Evaluate program performance and determine

possible need to re-allocate resources;

- j) Modify grant agreements with the Department of Labor;
- k) Any other powers necessary to fulfill the obligations embodied in this agreement;
- l) To enter into a collective bargaining agreement affecting CETA employees, if otherwise permitted by law, provided that any such agreement shall be with the consent of the signatories to the Consortium Agreement.

<sup>That</sup>  
13) The mayor of the City of Fort Wayne, as Chief Administrative Officer of the Consortium, shall have the authority to sign modifications to grant agreements and/or minor modifications to Comprehensive Manpower Plans, providing the following conditions apply: a) the cumulative amount of funds available to each Consortium member is not decreased; b) the cumulative number of clients to be served in each Consortium member jurisdiction is not decreased; c) the basic intent of grant agreements and/or Comprehensive Manpower Plans is not changed; and d) the modifications made to grant agreements are within the Federal guidelines which denote a minor modification to a Comprehensive Manpower Plan.

NEW 14) >

15) IT IS AGREED by all signatories that the Consortium established by this agreement shall have a duration equal to the period of the grant agreements entered into with the Department of Labor during the Fiscal Years 1974, 1975, 1976, and 1977, and 1978.

16) AMENDMENT OF AGREEMENT: This agreement may be amended at any time upon the written agreement of all the parties to the Consortium Agreement with the exception of points to this agreement required by the Comprehensive Employment and Training



- 14) That the Consortium may enter into subgrants with other ~~established~~ <sup>eligible</sup> organizations for the purpose of delivering employment and training programs which may be funded under Title III of the Comprehensive Employment and Training Act, and its amendments, ~~in the case~~ in order to facilitate program ~~operati~~ administration and operation of temporary categorical programs ~~which may~~ funded under said Title.



1 Act of 1973, and the regulations issued thereunder.

2 13) SEVERABILITY: Should any part, term or provision  
3 of this Agreement be decided by a court with proper jurisdiction  
4 to be illegal, void, or in conflict with any law of the State of  
5 Indiana or the United States of America, or otherwise be rendered  
6 unenforceable or ineffectual, the parties may by subsequent  
7 agreement provide that the remaining provision shall continue  
8 in effect.  
9

1 WITNESS THE EXECUTION HEREOF the Date set Opposite our  
2 Respective Names of this Revised Agreement to continue the  
3 Consortium under the Comprehensive Employment and Training Act  
4 of 1973, Public law 93-203, and its amendments for Fiscal Years  
5 1975, 1976 and 1977.

6	<u>Robert Elmsbury</u>	<u>5-11-76</u>
7	Mayor of Fort Wayne	Date
8	<u>William L. Salia</u>	<u>5/11/76</u>
9	City of Fort Wayne Attorney	Date
10	<u>Henry O. Otting</u>	<u>5/10/76</u>
11	Commissioner of Adams County	Date
12	<u>Floyd Baker</u>	<u>5-10-76</u>
13	Commissioner of Adams County	Date
14	<u>Robert D. Warkentin</u>	<u>5-10-76</u>
15	Commissioner of Adams County	Date
16	<u>Daniel G. Macklin</u>	<u>5-10-76</u>
17	Adams County Attorney	Date
18	<u>Vance J. Christy</u>	<u>5-11-76</u>
19	Commissioner of Allen County	Date
20	<u>Paul J. Wells</u>	<u>5-11-76</u>
21	Commissioner of Allen County	Date
22	<u>Thomas E. Rye</u>	<u>5/11/76</u>
23	Allen County Attorney	Date
24	<u>James H. Harty</u>	<u>5-10-76</u>
25	Commissioner of DeKalb County	Date
26	<u>Robert Lonest</u>	<u>5-10-76</u>
27	Commissioner of DeKalb County	Date
28	<u>Warren A. Sunday</u>	<u>5-10-76</u>
29	DeKalb County Attorney	Date
30	<u>Freeman L. Lumbard</u>	<u>5-10-76</u>
31	Commissioner of Lagrange County	Date
32	<u>Joseph G. Gada</u>	<u>5/10/76</u>
33	Commissioner of Lagrange County	Date
34	<u>David S. Feltner</u>	<u>May 10, 1976</u>
35	Lagrange County Attorney	Date

1 Commissioner of Noble County

2 Commissioner of Noble County

3 Commissioner of Noble County

4 Noble County Attorney

5 Commissioner of Whitley County

6 Commissioner of Whitley County

7 Commissioner of Whitley County

8 Whitley County Attorney

5-10-76

Date

5-10-76

Date

5/10/76

Date

Date

5-10-76

Date

5-11-76

Date

Date

May 11, 1976

Date



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

March 29, 1977

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one easement vacation acted upon by the City Plan Commission at their regular meeting held March 28, 1977. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. G-77-02-30
2. Intended Use: When vacated, this portion of the easement will be utilized by the property owner for the construction of a building.
3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. The portion of the easement to be vacated serves no useful purpose.

If there are any questions with regard to this ordinance, please feel free to call on us.

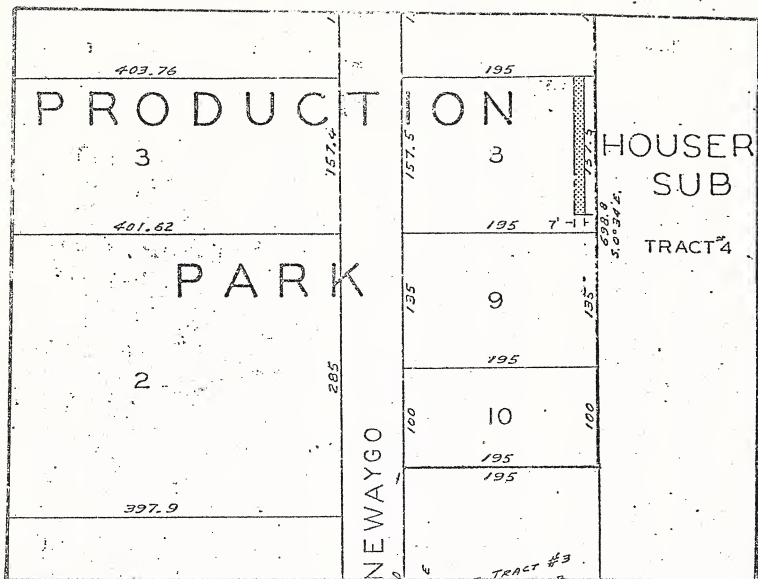
Respectfully submitted

COMMUNITY DEVELOPMENT AND PLANNING  
Division of Long Range Planning  
and Zoning

*Gary Baeten (pr)*  
Gary F. Baeten  
Land Use Administrator

GFB:pr  
ATT.





To be vacated (easement 14' to 7')

2-9-77

BB-15

LS



PETITION TO VACATE A PORTION OF A DEDICATED PUBLIC UTILITY EASEMENT

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

THE BOARD OF PUBLIC WORKS  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), does (do) hereby respectfully petition the Fort Wayne City Plan Commission and the Board of Public Works to vacate the following public dedicated utility easement, within the City of Fort Wayne, Indiana, and hereby described as follows:

The west 7 feet of the east 14 feet except for the south 14 feet of the east easement at the rear of Lot # 8 in Production Park. Located in the S.E. 1/4, Sec. 22, T 31 N, R 12 E, Washington Township, Allen County, Indiana.

In support thereof, your petitioner(s) would represent as follows:

1. That they are the owners of the real estate abutting both sides of the easement.
2. That said easement is not in use.
3. That no other firm, person or corporation is interested in or affected by the requested vacation.
4. That the vacating of said portion of easement is needed to meet rear yard setback requirements for the construction of a building.
5. That the maintenance of said easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described dedicated public utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 9th DAY OF February 1977.

CAMMERON PUBLISHING, INC.

By:

Richard L. Cammeron

By:

Robert A. Foster

2/28/77

R E S O L U T I O N

WHEREAS, CAMMERON PUBLISHING, INC., by Richard L. Cammeron and Robert A. Foster, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public dedicated utility easement, in Allen County, Indiana, to-wit:

The west 7 feet of the east 14 feet except for the south 14 feet of the east easement at the rear of Lot # 8 in Production Park. Located in the S.E. 1/4, Section 22, T 31 N, R 12 E, Washington Township, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46, and,

WHEREAS, notice of such public hearing will be given by due and proper publications thereof;

WHEREAS, said vacation of dedicated public utility easement has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering and the Park Board, and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public dedicated utility easement, hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF ALLEN     )

I, HENRY P. WEHREBERG, Chairman of the Board  
of Public Works, do hereby certify that attached hereto is a full,  
true and correct copy of a resolution adopted by the Fort Wayne Board  
of Public Works following a Board of Works Meeting held on 28<sup>th</sup>  
February, 1977, and as the same appears of record  
in the official records of said Board of Public Works.

DATED THIS 28 DAY OF February, 1977

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg  
Chairman

Edward H. LaMar  
Member

May J. Scott  
Member



## RESOLUTION

WHEREAS, CAMMERON PUBLISHING, INC., by Richard L. Cammeron and Robert A. Foster, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public dedicated utility easement, in Allen County, Indiana, to-wit:

The west 7 feet of the east 14 feet except for the south 14 feet of the east easement at the rear of Lot # 8 in Production Park. Located in the S.E. 1/4, Section 22, T 31 N, R 12 E, Washington Township, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46;

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on Monday, March 21, 1977, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public easement.

WHEREAS, said vacation of public easement has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by Fort Wayne City Plan Commission that the vacation of said public easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of easements in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, DARRELL L. BLANTON, Vice President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 21, 1977, and as the same appears of record in the official records of said Plan Commission.

Dated this 29th day of March, 1977.

FORT WAYNE CITY PLAN COMMISSION

Darrell L. Blanton  
Darrell L. Blanton  
Vice President

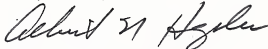
President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public  
Safety Regulatory Resolution Numbers: 12/77/E

For the Purpose of enforcement, please make this communication and  
the attached Regulatory Resolutions a matter of record and in-  
corporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Albert N. Hepler", is written over the typed name.

Albert N. Hepler, Chairman  
Board of Public Safety

MADE A MATTER OF RECORD

DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 12/77/E

(Adopted March 25, 19 77)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 21, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective March 25,

19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (EMERGENCY)

Foster Park Drive -- both sides -- from 2,000 feet east of Hartman  
Rd. to Fairfield Avenue

RETURN CERTIFICATE

(Regulatory Resolution No. 12/77 / E)

I hereby certify that I did this 25 day of March, 19 77 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 12/77 / E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public  
Safety Regulatory Resolution Numbers: 13/77/E

For the Purpose of enforcement, please make this communication and  
the attached Regulatory Resolutions a matter of record and in-  
corporate them into the mintues of the next Common Council Meeting.

Respectfully submitted,



Albert N. Hepler, Chairman  
Board of Public Safety

MADE A MATTER OF RECORD  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 13/77/E

(Adopted March 25, 19 77)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW AND EXTEND REGULATORY RESOLUTION 4/77/E

NO PARKING (EMERGENCY) DELETE: (TWO HOUR PARKING)

(EMERGENCY) ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 22, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective March 25,

19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING 8:00 AM - 9:00 AM AND 3:00 - 4:00 PM WEEKDAYS ONLY (EMERGENCY)

Bowser Aven. -- west side -- from 60 ft. north of Emily St. to Hurd St.

DELETE:

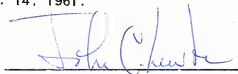
TWO HOUR PARKING 8:00 AM - 6:00 PM (EMERGENCY)

Bowser Aven. -- west side -- from Emily St. to Hurd St.

RETURN CERTIFICATE

(Regulatory Resolution No. 13/77 / E)

I hereby certify that I did this 25 day of March, 19 77 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 13/77 / E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

A handwritten signature in blue ink, appearing to read "John C. ...", is written over a horizontal line.

EXECUTIVE SECRETARY



President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public  
Safety Regulatory Resolution Numbers: ~~13/777E~~ & 14/77D

For the Purpose of enforcement, please make this communication and  
the attached Regulatory Resolutions a matter of record and in-  
corporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,



Albert N. Hepler, Chairman  
Board of Public Safety

MADE A MATTER OF RECORD  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 14/77 /D

(Adopted March 30, 19 77)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to NO PARKING  
(DELEGATED)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 28, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14, 1961. it is hereby ordered, effective March 30, 19 77, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (DELEGATED)

Poinsette St. -- east side -- from State Blvd. to 150 ft.  
south thereof

RETURN CERTIFICATE

(Regulatory Resolution No. 14/77 /D)

I hereby certify that I did this 30 day of March, 1977 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 14/77 /D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

A handwritten signature in blue ink, appearing to read "John C. Leake", is written over a horizontal line.

EXECUTIVE SECRETARY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public  
Safety Regulatory Resolution Numbers: 15/77/D & 16/77E + 17/77/E

18/77/E & 19/77/D  
For the Purpose of enforcement, please make this communication and  
the attached Regulatory Resolutions a matter of record and in-  
corporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Albert N. Hepler, Chairman  
Board of Public Safety

*William L. Kess*  
*Member of Board of Safety*

MADE A MATTER OF RECORD  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 15/77 /D

(Adopted April 6, 19 77)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter as so amended delegates to this Board authority to PREFERENTIAL

INTERSECTION (DELEGATED)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 5, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 14 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14, 1961. it is hereby

ordered, effective April 6, 19 77, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

PREFERENTIAL INTERSECTION

(DELEGATED)

Monroe St. -- preferential -- at Baxter St.

RETURN CERTIFICATE

(Regulatory Resolution No. 15/77 / D)

I hereby certify that I did this 6th day of April, 19 77 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 15/77 / D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

A handwritten signature in dark ink, appearing to read "John C. Lewis", is written over a horizontal line.

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 16/77/E

(Adopted April 6, 19 77)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY) , NO PARKING  
(EMERGENCY)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated April 5, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective April 6,

19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Strawberry Dr. -- Stop -- for Springbrook Rd.

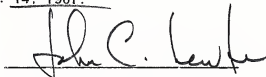
NO PARKING (EMERGENCY)

Calhoun St. -- both sides -- from Belmont St. to Tillman Rd.

RETURN CERTIFICATE

(Regulatory Resolution No. 16/77 / E)

I hereby certify that I did this 6th day of April, 19 77 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 16/77 / E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

A handwritten signature in dark ink, appearing to read "John C. Leuter", is written over a horizontal line.

EXECUTIVE SECRETARY



REGULATORY RESOLUTION NO. <sup>17</sup>13/77/E

(Adopted March 30, 19 77)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING(EMERGENCY)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 28, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective March 30, 19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (EMERGENCY)

Sherman Blvd. -- both sides -- from Mildred Ave. to the entrance  
of Franke Park (Park Drive)

NO PARKING (EMERGENCY)

Industrial Rd. -- both sides -- from Coliseum Blvd. to Ley Rd.

RETURN CERTIFICATE

(Regulatory Resolution No. <sup>17</sup>~~13~~/77 /E)

I hereby certify that I did this 30 day of  
March, 19 77 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 13/77 /E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

John C. Lewin

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 18/77/E

(Adopted April 6, 19 77)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION ( EMERGENCY)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 17, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective April 6,

19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Michigan Ave. -- stop -- for Thompson Ave.

RETURN CERTIFICATE

(Regulatory Resolution No. 18/77 /E)

I hereby certify that I did this 6th day of April, 19 77 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 18/77 /E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

A handwritten signature in dark ink, appearing to read "John C. Lewis", is written over a horizontal line.

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 19/77 /D

(Adopted April 6, 19 77)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961. authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter as so amended delegates to this Board authority to DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 17, 1977, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 14 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective April 6, 19 77 and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE:

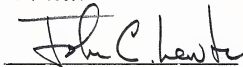
PREFERENTIAL INTERSECTION (DELEGATED)

Thompson Ave. -- preferential -- at Michigan Ave.

RETURN CERTIFICATE

(Regulatory Resolution No. 19/77 / D)

I hereby certify that I did this 6th day of April, 19 77 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 19/77 / D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

A handwritten signature in dark ink, appearing to read "John C. Lawler", is written over a horizontal line.

EXECUTIVE SECRETARY



THE CITY OF FORT WAYNE

CITY/COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 1, 1977

Mr. Arthur Tibbs  
6th Floor, City/County Building  
Fort Wayne, IN 46802

Dear Art:

We have had serious administrative discrepancies in our CETA program, which we have been working diligently to resolve. We have made some progress, but in order to resolve the problem totally, the Administrative staff must be reorganized.

This reorganization requires your replacement as Associate Director/Administration and your services are therefore terminated effective today. Attached are your final checks, including two weeks' termination pay.

Your past services to the Consortium have been appreciated.

Sincerely,

Robert E. Armstrong  
Mayor

REA:ip  
Attachment

Copies to Consortium Commissioners

EXHIBIT "1"

AN EQUAL OPPORTUNITY EMPLOYER





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 1, 1977

Mr. Vance Amstutz  
Room 200 City-County Bldg.  
Fort Wayne, Indiana 46802

Dear Vance:

As I discussed with you in our recent meetings, I have found it necessary to reorganize the CETA staff in order to more effectively administer this very important program.

Under Section 12k of the Consortium Agreement, I have named Robert Speaks as Associate Director of Administration and Jack Wilson as Associate Director of Operations. Arthur Tibbs and Joe Daniel have been terminated.

Under Section 12c, it is necessary that we hire a new Executive Director and receive your approval to name Messrs. Speaks and Wilson to the Associate Director positions. I would like to also recommend at this time that Dennis Blue, CETA Funds Administrator, be upgraded to the level of Associate Director of Fiscal Affairs, with labor grade and salary equivalent to that of the other Associate Director positions.

I am attaching resumes of Messrs. Speaks, Wilson and Blue. I am sure you will agree that each is well qualified and will make the reorganization successful.

At the present time, an outstanding administrator is giving serious consideration to the acceptance of the Executive Director position. He has been unable to give me a firm response due to his present business commitments, but I am hopeful that within the next week to ten days I will receive an affirmative reply from him and will immediately get in touch with you.

Any additional changes in the CETA organization will be made from recommendations of the new CETA staff to you as a Consortium member and to me as Director of the CETA Consortium.

I look forward to hearing from you.

Sincerely,

Robert E. Armstrong  
Mayor

REA:ip

EXHIBIT "2"

AN OFFICIAL DOCUMENTARY RECORD





DATE

2-7-77

EMPLOYEE'S NAME

Arthur Tibb

DEPARTMENT

Associate Director - Operations

Select the symbol which best describes the employee's performance in each category, and check the appropriate box on the right side of the form. Cross out parts of the definition that do not apply. Add to the definitions to make them more meaningful.

EXCEEDS JOB REQUIREMENTS E  
 MEETS JOB REQUIREMENT M  
 NEEDS IMPROVEMENT N

1. Quality of Work:

Accuracy, neatness and thoroughness of work. Economy of time and materials. Care of equipment used.

E	M	N
✓		

2. Quantity of Work:

Productive Output, speed, and consistency of output.

✓		
---	--	--

3. Dependability:

Follows instructions, exercises good judgment, punctuality, attendance and safety habits.

	✓	
--	---	--

4. Cooperation:

Extent to which employee cooperates with other employees and departments.

	✓	
--	---	--

5. Versatility:

Resourceful in handling assignment and solving problems. Versatile in application of knowledge and skills.

✓		
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6. Planning:

Ability to plan for immediate and long range assignments. Sets realistic goals and time tables.

✓		
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7. Initiative:

Diligent work habits. Strong sense of responsibility.

✓		
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8. Leadership:

Inspires confidence, productivity, and teamwork. Fair and consistent use of discipline.

✓		
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9. Write-In Factors:

Use any factor not listed that may apply.

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Strong Points ( reviewed with employee )

Can move quickly to solve problems

Strong administrator

Weak Points ( reviewed with employee )

Still too loud and tongue

(traits "turn people off") - loudly argues or disciplines in front of other people

Job Description ( reviewed with employee )

Educational Requirements For Job

RATED BY :

Signature

Signature of employee

( Acknowledgment that evaluation has been reviewed )

TITLE

Executive Director

DATE

2-7-77

Reviewed By:

DATE

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

MADE A MATTER OF RECORD  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

IN THE MATTER OF THE )  
 )  
DISCHARGE OF )  
 )  
JOSEPH H. DANIEL )

GRIEVANCE

TO: Robert E. Armstrong, as Mayor of the  
City of Fort Wayne and Chief Administrative  
Officer of the Fort Wayne Area Consortium

1. The undersigned was duly employed as Associate Director of Administration of the Fort Wayne Area Consortium under provisions of the Comprehensive Employment and Training Act, which position he has held since January 12, 1976, and prior to that date had been employed as Executive Director of such consortium since September 1, 1974.

2. The undersigned, all during the priod of such employment, properly and faithfully fulfilled and carried out the duties imposed upon him by such office.

3. On April 1, 1977, Robert E. Armstrong, as Mayor of the City of Fort Wayne and Chief Administrative Officer of the Fort Wayne Area Consortium, wrongfully and illegally attempted to terminate the employment of the undersigned as Associate Director of Adminis-  
tration of such consortium.

4. Such attempted termination was wrongful and illegal in that:

- a. The undersigned was not given a hearing prior to such attempted termination;
- b. The attempted termination of the undersigned was contrary to the provisions of the consortium's agreement and the staff personnel policy of the Fort Wayne consortium;
- c. The attempted termination violates the laws and regulations of the United States of America, the United States Department of Labor, the laws of the State of Indiana, and the Ordinances of the City of Fort Wayne.

5. The reasons for such attempted termination as announced by Robert E. Armstrong, as Mayor of the City of Fort Wayne and Chief Administrative Officer of the Fort Wayne Area Consortium, have no basis in fact.

WHEREFORE, the undersigned requests that the attempted termination of the employment as Associate Director of Administration for the Fort Wayne Area Consortium be declared void, that he be reinstated to such office and that his salary and all other benefits be paid and restored without interruption.

DUNTEN, BECKMAN, LAWSON,  
FRUECHTENICHT & SNYDER

BY: \_\_\_\_\_

2410 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802  
423-1602

Joseph H. Daniel  
(Joseph H. Daniel)  
4401 Tacoma Avenue  
Fort Wayne, Indiana 46807

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Grievance was served on April 7, 1977, on Robert E. Armstrong, as Mayor of the City of Fort Wayne and Chief Administrative Officer of the Fort Wayne Area Consortium, and William N. Salin, as City Attorney for the City of Fort Wayne, Indiana.

A handwritten signature in dark ink, appearing to read "Robert E. Armstrong", is written over a horizontal line.

VER WIEBE, SNOW & MILLER

ATTORNEYS AT LAW

1310 Anthony Wayne Bank Building

FORT WAYNE, INDIANA 46802

April 11, 1977

Richard C. Ver Wiebe  
Norman S. Snow  
David H. Miller

Telephone 433-3858  
Area Code 219

The Honorable Robert E. Armstrong  
Mayor, City of Fort Wayne  
City-County Building  
Fort Wayne, Indiana 46802

Re: Termination of Arthur L. Tibbs

Dear Mayor Armstrong:

Since it is unclear as to who the current Director of the CETA program is under the Fort Wayne Area Consortium, I have taken the liberty of notifying Robert Speaks who is the former Director of the program and in addition, notifying you since the City of Fort Wayne is the administrative branch of the CETA program. In addition, I have sent copies to the Consortium members.

I am hopeful that this matter can be settled amicably and without litigation.

Very truly yours,

VER WIEBE, SNOW, MILLER & GRAY

  
David H. Miller

DHM: jm

VER WIEBE, SNOW & MILLER

ATTORNEYS AT LAW

Richard C. Ver Wiebe  
Norman S. Snow  
David H. Miller

1810 Anthony Wayne Bank Building

FORT WAYNE, INDIANA 46802

April 11, 1977

Telephone 423-2858  
Area Code 219

Gentlemen:

Re: Arthur L. Tibbs' termination of employment

Since an employment dispute has arisen between Arthur L. Tibbs, Associate Director of Operations of the Fort Wayne Area Consortium, the grantee of federal funds under the Concentrated Employment and Training Act (CETA), and a member of the Fort Wayne Area Consortium, specifically the City of Fort Wayne, through its Mayor Robert Armstrong which resulted in Mr. Tibbs' termination of employment, this grievance and complaint is being filed pursuant to §2, Grievance and Arbitration, of the Fort Wayne Area Consortium Staff Personnel Policy.

On or about the 1st of April, 1977, Arthur L. Tibbs was sent notice of his termination of employment by Mayor Robert E. Armstrong, a copy of which notice is attached and marked Exhibit "1". As you will note, there are no grounds given for this termination other than reorganization.

In a letter dated April 1, 1977, to Vance Amstutz, Allen County Commissioner, Mayor Armstrong purports to act under §12(k) of the Consortium Agreement, and from the last paragraph it appears as if he is also acting as the Director of the CETA Consortium.

The specific complaints of Mr. Tibbs are as follows:

1. The actions of the Mayor of Fort Wayne, Indiana, as a Consortium member are ultra vires.

(A) Section 12 of the Consortium Agreement specifically sets forth the powers, functions and responsibilities delegated to the City of Fort Wayne as the administrative arm of the Consortium. No where in the eleven powers specifically granted to the City of Fort Wayne is the power to fire the Associate Director.

(B) Item (c) gives the City of Fort Wayne the power "to hire an Executive Director and one or more Associate Directors, with the consent of signatories to the Consortium Agreement." If we are to assume that the Mayor acted pursuant to this provision (c) of the Consortium Agreement and the power to hire, by implication implies a power to fire, then, the firing must also be done with the consent of the signatories to the Consortium Agreement. The termination of Mr. Tibbs was not done with the consent of the other consortium signatories and under this provision of the Consortium Agreement, the Mayor of Fort Wayne is without the necessary power to terminate Mr. Tibbs.

2. The actions of Mayor Armstrong in the termination of Mr. Tibbs denied Arthur L. Tibbs due process of law.

(a) Item K of the Consortium Agreement gives the City of Fort Wayne. . . "any other powers necessary to fulfill the obligations embodied in this agreement." If the Mayor acted pursuant to this section then he failed to notify Mr. Tibbs or provide a hearing for Mr. Tibbs with the remainder of the Consortium signatories setting forth the grounds for Mr. Tibbs termination and showing that the termination was "necessary to fulfill the obligations embodied in this agreement." (Consortium Agreement).

3. The Mayor in his termination letter indicates that it is necessary to re-organize the CETA staff, which he may or may not have the power to do, but he gives no reason for the termination of Mr. Tibbs. The actions of Mayor Armstrong in terminating Arthur L. Tibbs are without just and proper cause, and are therefore in breach of an implied employment contract between the Fort Wayne Area Consortium and Arthur L. Tibbs.

(a) An examination of Mr. Tibbs background and experience in the area of manpower and employment reveals an individual highly qualified based on years of experience.


(b) An examination of Mr. Tibbs' latest evaluation by Robert Speaks, Executive Director of the Fort Wayne Area Consortium on February 7, 1977, reveals a strong administrator who can move quickly to solve problems, and in the areas of leadership, initiative, planning, versatility, quantity of work and quality of work, Mr. Tibbs exceeded the job requirements. There was no area of evaluation wherein Mr. Tibbs was graded as needing improvement.

(c) If the media reports are accurate in that the Mayor of Fort Wayne believes Mr. Tibbs is responsible for alleged malfeasance in the administration of the 1975 Summer Youth Component of the Fort Wayne Area Consortium CETA Program, the Mayor's "Blue Ribbon Panel" which investigated the CETA funds administration under Mayor Lebamoff fails to substantiate this belief. In addition, the Federal Audit of the CETA Program to date has failed to issue a final report on the program, or that Mr. Tibbs acted improperly in the administration or operation of the program.

#### SUMMARY

In summary, the Mayor of Fort Wayne under the Consortium Agreement does not have the power to summarily dismiss Mr. Tibbs as Associate Director of Operations. Furthermore, contrary to Mr. Armstrong's assertion in his April 1, 1977 letter to Vance Amstutz, Mayor Armstrong is not the Director of the CETA Consortium with any implied power to terminate Mr. Tibbs' employment. In addition, the Mayor has not set forth one objective reason, based on fact, for the termination of Mr. Tibbs. He has breached the implied contract of employment between Mr. Tibbs and the Consortium by terminating Mr. Tibbs without notice nor an opportunity to be heard, which may constitute a violation of Mr. Tibbs' right to due process of law.

It is on the basis of the above reasoning that Mr. Tibbs files this complaint and grievance and asks to be re-instated to his position of Associate Director of Operations for the Fort Wayne Area Consortium, with a restoration of back pay until such time as the Fort Wayne Area Consortium can collectively, objectively, and legally determine whether the Mayor of Fort Wayne, under the Consortium Agreement can terminate Mr. Tibbs employment with the Consortium, and whether there exists any grounds whatsoever for his termination upon which the Consortium as a whole can act. If this is not done immediately then Mr. Tibbs has no alternative but to pursue his administrative and legal remedies available to him through the Department of Labor, and the Equal Employment Opportunities Commission, or by institution of a private legal action against the City of Fort Wayne and the Fort Wayne Area Consortium.

  
Arthur L. Tibbs

Prepared by Ver Wiebe, Snow, Miller & Gray, Attorneys at Law.

MADE A MATTER OF RECORD

DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK




THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 12th day of April, 1977; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 12th day of April, 1977.

  
Charles W. Westerman  
City Clerk